

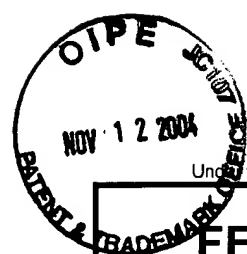


<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	09/846,727	
	Filing Date	May 1, 2001	
	First Named Inventor	Craig R. Malloy	
	Group Art Unit	1743	
	Examiner Name	Monique T. Cole	
Total Number of Pages in This Submission	13	Attorney Docket Number	119929-1031

ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form  <input type="checkbox"/> Fee Attached  <input checked="" type="checkbox"/> Amendment/Reply  <input type="checkbox"/> After Final  <input type="checkbox"/> Affidavits/declaration(s)  <input type="checkbox"/> Extension of Time Request  <input type="checkbox"/> Express Abandonment Request  <input type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s)  <input type="checkbox"/> Response to Missing Parts/ Incomplete Application  <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s)  <input type="checkbox"/> Licensing-related Papers  <input type="checkbox"/> Petition  <input type="checkbox"/> Petition to Convert to a Provisional Application  <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address  <input type="checkbox"/> Terminal Disclaimer  <input type="checkbox"/> Request for Refund  <input type="checkbox"/> CD, Number of CD(s)	<input type="checkbox"/> After Allowance Communication to Technology Center (TC)  <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences  <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)  <input type="checkbox"/> Proprietary Information  <input type="checkbox"/> Status Letter  <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):  • Acknowledgment Postcard
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Or Individual Name	Monique A. Vander Molen Gardere Wynne Sewell LLP IP Section		
Signature	<i>Monique A Vander Molen</i>		
Date	November 12, 2004		
CERTIFICATE OF MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 on the date shown below. <i>Express Mail NO: EX 612386 092 US</i>			
Typed or Printed Name	Kelli A. Ivey		
Signature	<i>Kelli Ivey</i>	Date	11-12-04

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P. O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.



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# FEE TRANSMITTAL For FY 2005

Effective 10/01/03. Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT

\$ N/A

## METHOD OF PAYMENT (Check all that apply)

☐ Check ☐ Credit Card ☐ Money Order ☐ Other ☐ None

☐ Deposit Account:

Deposit Account Number:

07-0153

Deposit Account Name:

Gardere Wynne Sewell LLP

The Director is hereby authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☒ Credit any overpayments

☒ Charge any additional fee(s) during the pendency of this application

☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account

## FEE CALCULATION

### 1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Code	Fee (\$)	Code	Fee (\$)		
1001	790	2001	395	Utility filing Fee	\$ _____
1002	350	2002	175	Design filing fee	\$ _____
1003	550	2003	275	Plant filing fee	\$ _____
1004	790	2004	395	Reissue filing fee	\$ _____
1005	160	2005	80	Provisional filing fee	\$ _____

SUBTOTAL (1) \$ N/A

### 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

		Extra Claims		Fee from below		Fee Paid
Total Claims	30	- 58**	= 0	x 18.00	= \$	
Independent Claims	5	- 6**	= 0	x 86.00	= \$	
Multiple Dependent				280.00	= \$	

Large Entity		Small Entity		Fee Description
Code	Fee (\$)	Code	Fee (\$)	
1202	18	2202	9	Claims in excess of 20
1201	88	2201	44	Independent Claims in excess of 3
1203	300	2203	150	Multiple dependent claim, if not paid
1204	88	2204	44	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) \$ N/A

\*\* or number previously paid, if greater; For Reissues, see above

## Complete if Known

Application Number	09/846,727
Filing Date	May 1, 2001
First Named Inventor	Craig R. Malloy
Examiner Name	Monique T. Cole
Group Art Unit	1743
Attorney Docket Number	119929-1031

## FEE CALCULATION (continued)

### 3. ADDITIONAL FEES

Large Entity		Small Entity		Fee Description	Fee Paid
Code	Fee (\$)	Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	\$
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	\$
1053	130	1053	130	Non-English specification	\$
1812	2,520	1812	2,520	For filing a request for <i>ex parte</i> reexamination	\$
18042	920*	1804	920*	Requesting publication of SIR prior to Examiner action	\$
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	\$
1251	110	2251	55	Extension for reply within first month	\$
1252	430	2252	215	Extension for reply within second month	\$
1253	980	2253	490	Extension for reply within third month	\$
1254	1,530	2254	765	Extension for reply within fourth month	\$
1255	2,080	2255	1,040	Extension for reply within fifth month	\$
1401	340	2401	170	Notice of Appeal	\$
1402	340	2402	170	Filing a brief in support of an appeal	\$
1403	300	2403	150	Request for oral hearing	\$
1451	1,510	1452	1,510	Petition to institute a public use proceeding	\$
1452	110	2452	55	Petition to revive - unavoidable	\$
1453	1,370	2453	685	Petition to revive - unintentional	\$
1501	1,370	2501	685	Utility issue fee (or reissue)	\$
1502	490	2502	245	Design issue fee	\$
1503	660	2503	330	Plant issue fee	\$
1460	130	1460	130	Petitions to the Commissioner	\$
1807	50	1806	50	Processing fee under 37 CFR 1.17(g)	\$
1806	180	1806	180	Submission of Information Disclosure Stmt	\$
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	\$
1809	790	2809	395	Filing a submission after final rejection (37 CFR § 1.129(a))	\$
1810	790	2810	395	For each additional invention to be examined (37 CFR § 1.129(b))	\$
1801	790	2801	395	Request for Continued Examination (RCE)	\$
1802	900	1802	900	Request for expedited examination of a design application	\$

Other fee (specify)

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) \$ N/A

## SUBMITTED BY

## Complete (if applicable)

Name (Print/Type)	Monique A. Vander Molen	Registration No. (Attorney/Agent)	53,716	Telephone	(214) 999-4330
Signature	<i>Monique A. Vander Molen</i>			Date	11/12/04

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, D.C. 20231. DO NOT SENT FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22331-1450.

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17-43  
JFW

Application No.: 09/846,727  
Amendment dated August 11, 2004  
Reply to Office Action dated November 11, 2004

Attorney Docket No. 119929-1031

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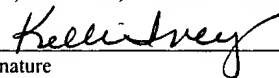


IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Craig R. Malloy, A. Dean Sherry and John G. Jones  
Serial No.: 09/846,727  
Filed: May 1, 2001  
Art Unit: 1743  
Examiner: Monique T. Cole  
For: MEASUREMENT OF GLUCONEOGENESIS AND  
INTERMEDIARY METABOLISM USING STABLE ISOTOPES

Certificate of Mailing under 37 CFR 1.8

I hereby certify that this correspondence is being deposited with the United States Postal as First Class mail in an envelope, with sufficient postage, addressed to: **Mail Stop Amendment**, Commissioner for Patents, P.O. Box 1450; Alexandria, VA 22313-1450 on November 12, 2004.

  
Signature

Kelli Ivey  
Typed or printed name of person signing certificate

**Mail Stop Amendment**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

AMENDMENT

Dear Sir:

Applicants submit this response to the non-final Office Action mailed on the date of August 11, 2004. In view of the following Remarks/Arguments, Applicants respectfully request reconsideration and withdrawal of the outstanding objections and rejections, and request allowance of the claims pending in this Application.

In response to the Office Action, please amend the above-identified Application as follows:

**Listing of Claims** beginning on page two (2) of this paper; and

**Remarks** beginning on page seven (7) of this paper.